

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CR-123
)	(PHILLIPS/SHIRLEY)
CHRISA JACK,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is now before the Court on Attorney Kim Tollison's Motion to Withdraw as Counsel [Doc. 13], filed on October 19, 2009. The parties appeared before the undersigned on October 27, 2009, for a hearing on the motion to withdraw. Assistant United States Attorney Alexandra Hui appeared on behalf of the Government. Attorney Tollison, appointed counsel for the Defendant, was present, as were the Defendant and Attorney Bruce Poston.

Attorney Tollison asks the Court to allow him to withdraw as defense counsel for the Defendant and to appoint new counsel to replace him. At the hearing, Attorney Tollison explained that he discovered that he had an actual conflict of interest resulting from his representation of another client. The Government had no objection to the motion to withdraw.

It is axiomatic that the Defendant is entitled to conflict-free counsel. Accordingly, after carefully considering the positions of the Defendant, defense counsel, and the Government, the Court concludes that Attorney Tollison's motion is well-taken and that good cause exists to

substitute new counsel for him. The Motion to Withdraw as Counsel [Doc. 13] is **GRANTED**, and Attorney Tollison is relieved as counsel for the Defendant. The Court recognizes the need for the Defendant to be continuously represented by counsel. At the October 27, 2009 hearing, Attorney Bruce Poston agreed to undertake representation of the Defendant. The Court therefore and hereby substitutes and appoints Attorney Poston under the Criminal Justice Act (CJA) as counsel of record for the Defendant.

With regard to scheduling in the case, the parties agreed to reset the final pretrial conference currently scheduled for November 4, 2009 to November 2, 2009, at 10:30 a.m. At the pretrial conference, the Court will assess whether substituting defense counsel has created a need for a trial continuance.

IT IS ORDERED:

- (1) Attorney Tollison's Motion to Withdraw as Counsel [Doc. 13] is **GRANTED**;
- (2) Attorney Tollison is relieved as counsel for the Defendant and Attorney Poston is substituted as the Defendant's counsel of record under the CJA; and
- (3) The final pretrial conference is reset to **November 2, 2009, at 10:30 a.m.**, before the undersigned.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge